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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CHARLES V MCCLAIN III,

11 Plaintiff,

12 v.

13 BOEING COMPANY, et al.,

14 Defendant.

CASE NO. C07-567 RSM

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16 CHARLES V MCCLAIN III,

17 Plaintiff,

18 v.

19 BOEING COMPANY, et al.,

20 Defendant.

CASE NO. C08-613-RSM

ORDER ON MOTIONS TO RECUSE

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22 This matter comes before the Court under Local General Rule 8(c). Plaintiff has two  
23 cases pending in front of U.S. District Judge Ricardo S. Martinez. In both matters, Plaintiff  
24 moved for Judge Martinez to recuse himself. *See* Dkt. No. 126 (C07-567-RSM) and Dkt. No.

1 75 (C08-613-RSM). Judge Martinez declined to recuse himself voluntarily and the matter was  
2 referred to the Chief Judge. *See* Dkt. No. 136 (C07-567-RSM) and Dkt. No. 81 (C08-613-RSM).  
3 Plaintiff's request is therefore ripe for review by this Court.

4 The standards for recusal are well known. Although a judge must recuse himself if a  
5 reasonable person would believe that he is unable to be impartial (Yagman v. Republic  
6 Insurance, 987 F.2d 622, 626 (9th Cir. 1993)), a litigant may not use the recusal process to  
7 remove a judge based on adverse rulings in the pending case: the alleged bias must result from  
8 an extrajudicial source (United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986)).

9 Plaintiff's motions are based entirely on Judge Martinez's rulings in Plaintiff's two  
10 matters before him, which Plaintiff contends are in error and adverse to his position. Plaintiff  
11 has alleged no extrajudicial source of prejudice. If he believes that Judge Martinez has issued  
12 erroneous rulings in his matter, he may request review by means of motions for reconsideration  
13 or appeal to the Ninth Circuit Court of Appeals; he is not entitled to have Judge Martinez recuse  
14 himself or be otherwise removed from these cases.

15 Plaintiff's motions to recuse Judge Martinez in both matters are DENIED.

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17 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

18 Dated this 20th day of March, 2012.

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22 Marsha J. Pechman  
23 Chief United States District Judge  
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